



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 5, 1991

Mr. Tom Carr
Attorney
Owen - Carr
550 Bailey, Suite 601
Fort Worth, Texas 76107

OR91-552

Dear Mr. Carr:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14001.

As attorney for the Lake Worth Independent School District (the district), you have received a request from one of the district's board members for "all files, notes, memos, requests, etc." that pertain to the district's superintendent. You state that you have released to the board member "a substantial portion" of your files; you seek to withhold, pursuant to the Open Records Act, other information, *i.e.* handwritten notes that you made while meeting with the superintendent's private attorney and others, correspondence between yourself and the superintendent's attorney, and miscellaneous papers prepared, at your request, by other individuals.

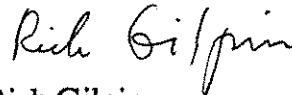
Your request is governed by a previous determination of this office. In Attorney General Opinion JM-119 (1983) (copy enclosed), this office determined that the Open Records Act does not control the right of access by a member of a governmental body to information in that governmental body's possession, and that a trustee of a community college district, acting in his official capacity, does not receive information from the district as a member of the public, but rather as a member of the board, which, at least constructively, maintains all records of the district. The opinion concluded that a trustee of a community college district has an

inherent right of access to records of that governmental body when the records are sought in the trustee's official capacity.

This office believes the rationale found in Attorney General Opinion JM-119 is applicable here. Assuming that the district board member is seeking these records in his official capacity, the requested documents must be released to him. Because the transfer of information within a governmental body does not constitute a release of information to the public (see Attorney General Opinion JM-1235 (1990)), we need not address your section 3(a) claims at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-552.

Yours very truly,



Rick Gilpin
Assistant Attorney General
Opinion Committee

RG/RWP/lcd

Ref.: ID# 14001

Enclosures: Attorney General Opinion JM-119
Submitted documents

cc: Phillip McClurkan
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Fort Worth, Texas 76135-3837
(w/o enclosures)